NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
for the
ASPIRE PUBLIC SCHOOLS – 66TH AVENUE SITE

Aspire Public Schools will hold a Public Hearing on November 8, 2005 on the Project and will review and may approve a Mitigated Negative Declaration on it. The meeting will be held at 426 17th Street, Oakland, California, in the Meeting Room, Alameda County Transportation District, on the First Floor/Mezzanine, starting at 2:00 p.m. The public review period for the Project begins on October 7, 2005. The public may review and submit written comments on the Mitigated Negative Declaration up until November 8, 2005.

Finding: The Project will not have a significant effect on the environment based on the Initial Study prepared according to CEQA Guidelines. Mitigations have been incorporated into the Project to reduce all potentially significant impacts to a less than significant level.

Project Title: Aspire Public Schools – 66th Avenue Site

Project Location: 1009 66th Avenue, Oakland, California

Project Sponsor's Name and Address: Aspire Public Schools
426 17th Street, Suite 200
Oakland, California 94612

Project Description:

Background

A Mitigated Negative Declaration (MND) on the proposed Project was prepared and circulated for 30 days on June 9, 2005. Subsequent to circulation of the MND, LFR Levine Fricke (LFR) performed a Hazardous Materials Storage/Use and Air Emissions Survey (LFR 2005a) within a ¼-mile radius of the site. This survey revealed the storage of three hazardous materials (methyl bromide, aluminum phoshide (fumatoxin mixed with aluminum phosphide) and propylene oxide) located 150 feet west of the proposed school site in the American Fumigation business. As currently operated, American Fumigation did not have the necessary approvals or permits to operate at this location. The City of Oakland has issued a Cease and Desist Order to American Fumigation, requiring that all hazardous activities must immediately cease and desist (see Exhibit A). As currently operated, American Fumigation would likely pose an actual or potential endangerment of the Project site. This is a potentially significant impact that was not identified and discussed in the previous MND. This represents a substantial revision, and thus requires recirculation of the MND with the new information (Section 15073.5 *CEQA Guidelines*). The revised Initial Study (attached) includes information on the potentially significant impacts associated with the storage of hazardous materials at American Fumigation and recommends mitigation measures.

In addition, Aspire Public Schools has assumed the role of Lead Agency in accordance with Section 17078.53 of the California Education Code

Site Characteristics

The Project site comprises about 2.4 acres and is currently in industrial use. The site is paved and contains two single-story warehouse buildings. The site is generally flat with a gentle slope to the southwest. Access to the site is from 66th Avenue.

Project Characteristics

The Project is the construction of a new Charter School that would serve grades 6 – 12. The school would have a capacity of 420 students and 30 staff. The two existing warehouse buildings would be demolished and a new two-story building would be constructed. The school building would contain about 40,620 gross square feet. Access to the school site would be from 66th Avenue. On-site parking would include 26 parking spaces and three drop-off spaces. Two school bus parking spaces would be located on 66th Avenue. An outdoor play area would be located at the back of the site and would include a basketball court and a 0.10-acre turf area. An eight-foot high fence would be installed along the perimeter of the property; and trees would be planted along the fence to provide visual screening. Outdoor lighting would consist of: wall mounted lighting around the exterior of the building, down lighting at every building entrance and pole mounted light fixtures in the parking areas and courtyard. Project construction would begin in April 2006 and would be completed by June 2007. Classes would start in July 2007.

Submittal of Public Comments: Please direct written comments to Charles Robitaille, Director of Real Estate, Aspire Public Schools, 426 17th Street, Suite 200, Oakland, California 94612. For additional information, please call 510.251.1660. Office hours are 8:00 a.m. through 5:00 p.m., weekdays. Written comments must be received by 5:00 p.m. on November 8, 2005.

Anyone concerned with the Project may review the Mitigated Negative Declaration, Initial Study and other pertinent material at the Aspire Public Schools office located at 426 17th Street, Suite 200, Oakland, California, 94612.

Note: If a citizen challenges any of the above actions in court, said citizen may be limited to raising only those issues that they or someone else raised at the public hearing described above, or in written correspondence delivered to the Aspire Public Schools at, or prior to, the conclusion of the 30-day review period.

MITIGATED NEGATIVE DECLARATION

ASPIRE PUBLIC SCHOOLS – 66TH AVENUE SITE

PROJECT DESCRIPTION

Background

A Mitigated Negative Declaration (MND) on the proposed Project was prepared and circulated for 30 days on June 9, 2005. Subsequent to circulation of the MND, LFR Levine Fricke (LFR) performed a Hazardous Materials Storage/Use and Air Emissions Survey (LFR 2005a) within a ¼-mile radius of the site. This survey revealed the storage of three hazardous materials (methyl bromide, aluminum phoshide (fumatoxin mixed with aluminum phosphide) and propylene oxide) located 150 feet west of the proposed school site in the American Fumigation business. As currently operated, American Fumigation did not have the necessary approvals or permits to operate at this location. The City of Oakland has issued a Cease and Desist Order to American Fumigation, requiring that all hazardous activities must immediately cease and desist (see Exhibit A). As currently operated, American Fumigation would likely pose an actual or potential endangerment of the Project site. This is a potentially significant impact that was not identified and discussed in the previous MND. This represents a substantial revision, and thus requires recirculation of the MND with the new information (Section 15073.5 *CEQA Guidelines*). The revised Initial Study (attached) includes information on the potentially significant impacts associated with the storage of hazardous materials at American Fumigation and recommends mitigation measures.

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Outdoor lighting would consist of: wall mounted lighting around the exterior of the building, down lighting at every building entrance and pole mounted light fixtures in the parking areas and courtyard. Project construction would begin in April 2006 and would be completed by June 2007. Classes would start in July 2007.

PROJECT LOCATION

1009 66TH Avenue, Oakland, California.

PROJECT SPONSOR

Aspire Public Schools
426 17th Street, Suite 200
Oakland, California 94612

FINDING

The Project will not have a significant effect on the environment based on the Initial Study prepared according to CEQA Guidelines. Mitigations have been incorporated into the Project to reduce all potentially significant impacts to a less than significant level.

POTENTIALLY SIGNIFICANT IMPACTS

The attached Initial Study indicates that the project could adversely affect the environment. The following potentially significant impacts were identified:

- Temporary construction activities that may expose nearby residents to high levels of dust emissions.
- Strong ground shaking may be expected at the site during the design lifetime of the proposed development.
- Potential for building settlement.
- Potential exposure to hazardous materials.
- Potential safety risks to students and staff when crossing railroad tracks.
- Potential exposure to hazardous materials as a result of a railroad derailment.
- Potential land use conflicts resulting from adjacent industrial land use.
- Temporary construction noise impacts.

MITIGATION MEASURES

In the interest of reducing the potential impacts to the point where the net effect of the Project is insignificant, mitigation measures are recommended. A discussion of the potential impacts of interest and the associated mitigation measures is provided below.

Impact: The Project would result in temporary construction activities that may expose nearby residents to high levels of dust emissions.

Mitigation Measure:

According to the current BAAQMD CEQA guidelines, the recommended mitigation measures would reduce construction period air quality impacts to a less than significant level.

3.1 Construction contractors shall be required to water all active earth construction areas at least twice daily.

3.2 Construction contractors shall be required to cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least two feet of freeboard.

3.3 Construction contractors shall be required to pave, apply water three times daily or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.

3.4 Construction contractors shall be required to sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites.

3.5 If visible soil material is carried onto adjacent public streets, Construction contractors shall be required to sweep streets daily.

Residual Impact: Less than significant with mitigation measures.

Impact: Strong ground shaking may be expected at the Project site during the design lifetime of the proposed development.

Impact: Poor quality site soils have the potential for settlement.

Mitigation Measures:

The recommendations identified in the Geotechnical Engineering and Geologic Hazards Study prepare by LFR shall be implemented. These are summarized below.

6.1 Existing debris, pavement and vegetation should be removed from proposed building and paved areas. Near surface materials shall be excavated and reworked in the proposed building pad and pavement areas. Over-excavation should extend to a depth of approximately three feet below ground surface (bgs), and the bottom of the excavation should extend a minimum lateral distance of five feet beyond the perimeter of the proposed building pads and pavement. Excavated materials that conform to the requirements for fill material may be temporarily stockpiled for use as backfill.

6.2 Buildings shall be supported on conventional continuous and/or isolated spread footings properly stiffened and tied together to resist seismic movements.

6.3 All exterior surface areas shall be sloped a minimum of two percent away from the buildings to facilitate drainage. In hardscape areas, drainage gradients shall be maintained to carry all surface water to area drains or off the site. Surface water ponding shall not be allowed anywhere on the site during or after construction. Building downspouts shall be piped to the storm drain system and not allowed to discharge directly on pavement on the ground surface.

6.4 Structural design of the school buildings shall be designed in accordance with the 2001 California Building Code with Division of State Architect (DSA) amendments and California Title 24.

6.5 All foundation construction and earthwork during construction shall be monitored by a qualified geologist or geotechnical engineer and DSA's Inspector of Record.

Residual Impact: Less than significant with mitigation measures.

Impact: There is an adjacent industrial use that has a potential for exposure of the Project to hazardous material.

Impact: There is a potential for exposure to hazardous materials due to the historic industrials uses at the Project site.

Mitigation Measures:

7.1 Aspire Public Schools shall not occupy their facilities at 66th Avenue until American Fumigation:

a) Receives regulatory approval to operate after installing abatement devices and redundant controls, and American Fumigation procedures are evaluated and monitored by a qualified engineer prior to resumption of its operation.

Or:

b) Closes their facility and removes the existing chemical hazards, if regulatory approval to operate is not granted.

7.2 A Human Health Risk Assessment shall be prepared to determine the potential exposure of future populations at the school site.

7.3 The conclusions and recommendations of the Preliminary Endangerment Assessment Work Plan shall be implemented.

Residual Impact: Less than significant with mitigation measures.

Impact: There are potential safety risks to students and staff crossing the railroad tracks at 66th Avenue to access BART

Impact: There is the potential exposure to hazardous materials as a result of a railroad derailment.

Mitigation Measures:

7.4 Aspire Schools shall implement a railroad safety awareness program for students, staff and parents at the school.

7.5 Aspire Schools shall notify UP, the California Public Utilities Commission (CPUC) and the City of Oakland Public Works Department of the condition of the pavement near the UP easement and 66th Avenue.

7.6 Aspire Schools shall notify the CPUC of the future construction of the new school at the Project site.

7.7 Aspire Schools shall prepare an emergency evacuation plan for students and staff to address the event of a railroad derailment. Proper evacuation routes, means of organization and related aspects of the plan should be addressed.

Residual Impact: Less than significant with mitigation measures.

Impact: Potential land use conflict as a result of nearby use storing hazardous materials.

Mitigation Measure:

9.1 Mitigation Measure 7.1 shall be implemented.

Residual Impact: Less than significant with mitigation measure.

Impact: During Project construction, adjacent residences could be exposed to noise levels in excess of local standards.

Mitigation Measures:

11.1 Noise-generating construction activities, including truck traffic, shall be limited to daytime hours (7:00 AM to 7:00 PM) during normal weekdays and between 9:00 AM and 8:00 PM on Saturdays. Construction shall not be allowed on Sundays and federal holidays.

11.2 All construction equipment powered by internal combustion engines shall be properly muffled and maintained.

11.3 All stationary noise-generation equipment shall be located as far as practical from residences.

11.4 Nearby residences shall be notified of the construction schedule in writing.

11.5 Noise from worker activities including loud radios, shouting and vehicle activity shall be controlled near adjacent residences.

Residual Impact: Less than significant with mitigation measures.

ENVIRONMENTAL REVIEW - INITIAL STUDY

1. **Project Title:** Aspire Public Schools – 66th Avenue Site

2. **Lead Agency Name and Address:**

   Aspire Public Schools
   426 17th Street, Suite 200
   Oakland, California 94612

3. **Contact Person and Phone Number:**

   Charles Robitaille
   510.251.1660

4. **Project Location:**

   1009 66th Avenue, Oakland California (See Figure 1)
   APN:041-405600300

5. **Project Sponsor's Name and Address:**

   Aspire Public Schools
   426 17th Street – Suite 200
   Oakland, California 94612-2820

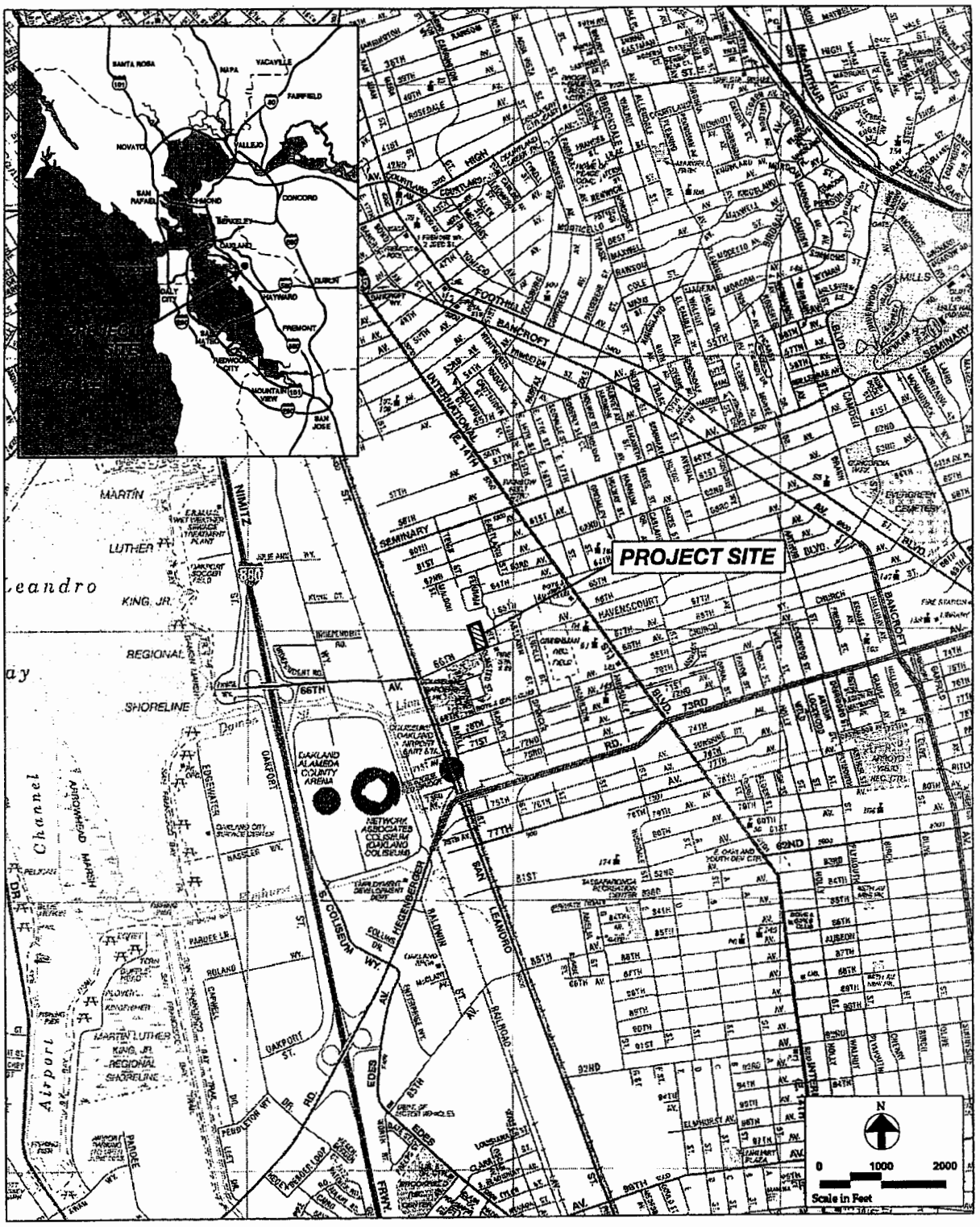
6. **General Plan Designation:** Housing and Business Mix

7. **Zoning Designation:** M-30

8. **Description of Project:**

Background

A Mitigated Negative Declaration (MND) on the proposed Project was prepared and circulated for 30 days on June 9, 2005. Subsequent to circulation of the MND, LFR Levine Fricke (LFR) performed a Hazardous Materials Storage/Use and Air Emissions Survey (LFR 2005a) within a ¼-mile radius of the site. This survey revealed the storage of three hazardous materials (methyl bromide, aluminum phoshide (fumatoxin mixed with aluminum phosphide) and propylene oxide) located 150 feet west of the proposed school site in the American Fumigation business. As currently operated, American Fumigation did not have the necessary approvals or permits to operate at this location. The City of Oakland has issued a Cease and Desist Order to American Fumigation,



SOURCE: CSAA

Figure 1
Project Location Map

requiring that all hazardous activities must immediately cease and desist (see Exhibit A). As currently operated, American Fumigation would likely pose an actual or potential endangerment of the Project site. This is a potentially significant impact that was not identified and discussed in the previous MND. This represents a substantial revision, and thus requires recirculation of the MND with the new information (Section 15073.5 *CEQA Guidelines*). This revised Initial Study includes information on the potentially significant impacts associated with the storage of hazardous materials at American Fumigation and recommends mitigation measures.

In addition, Aspire Public Schools has assumed the role of Lead Agency in accordance with Section 17078.53 of the California Education Code. A copy of the notification letter to Oakland Unified School District is included in Exhibit B.

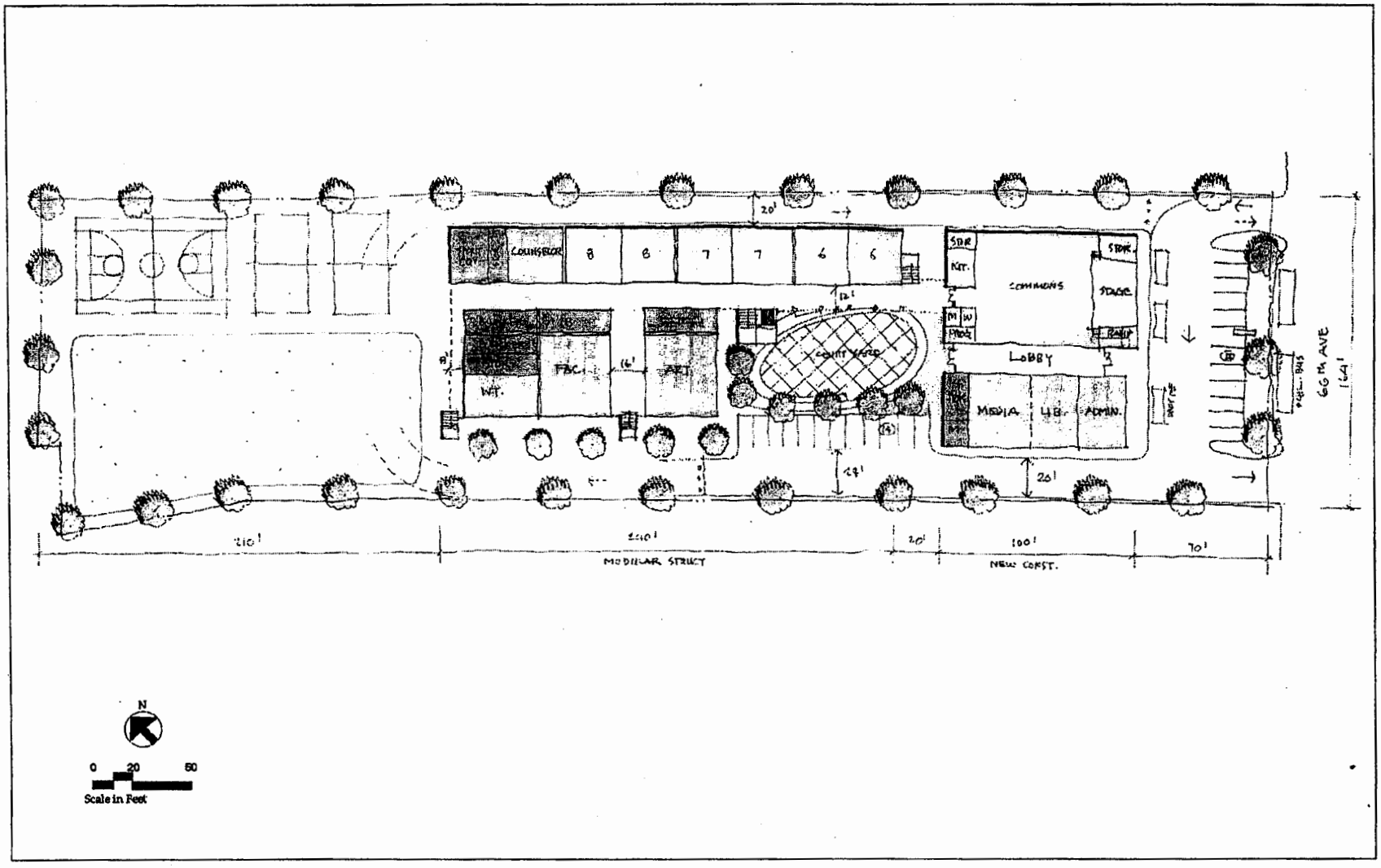
Project Site Characteristics

The Project site comprises about 2.4 acres and is currently in industrial use. The site is paved and contains two single-story warehouse buildings. The site is generally flat with a gentle slope to the southwest. Access to the site is from 66th Avenue.

Project Characteristics

The Project is the construction of a new Charter School that would serve grades 6 – 12. The school would have a capacity of 420 students and 30 staff. The two existing warehouse buildings would be demolished and a new two-story building would be constructed. The primary building materials would be metal siding and cement plaster. Windows would be aluminum. Access to the school site would be from 66th Avenue. On-site parking would include 26 parking spaces and three drop-off spaces. Two school bus parking spaces would be located on 66th Avenue. An outdoor play area would be located at the back of the site and would include a basketball court and a 0.10-acre turf area. An eight-foot high fence would be installed along the perimeter of the property; and trees would be planted along the fence to provide visual screening. Outdoor lighting would consist of: wall mounted lighting around the exterior of the building, down lighting at every building entrance and pole mounted light fixtures in the parking areas and courtyard. Figure 2 shows the Project site plan.

The school building would contain about 40,620 gross square feet. A breakdown of the school program by activity is presented in Table 1.



SOURCE: K2 Architects, 5/16/05

Figure 2
Project Site Plan

TABLE 1: SCHOOL FACILITICE PROGRAM

Activity	Square Footage
Administration/Lobby	2,020
Faculty/Counseling	2,880
Library	1,440
Media Room	1,440
Classrooms (15)	15,360
Science Labs (3)	5,760
Restrooms (4)	1,920
Lockers	960
Weight Room/Sport Equipment/Storage	1,920
Storage/Janitor	960
The Commons (assembly/cafeteria)	5,960
TOTAL	**40,620**

Project construction would begin in April 2006 and would be completed by June 2007. Classes would start in July 2007.

9. **Surrounding Land Uses and Setting:**

The Project site is within an area that contains a mix of industrial and residential uses. Industrial activities abut the westerly boundary of the Project site. New residential development is located immediately adjacent to the northerly and easterly site boundaries. Across 66th Avenue are a park and a mix of industrial and residential development.

10. **Other public agencies whose approval is required:**

- Division of State Architect (fire/life safety, structural systems and access compliance)
- Department of Toxic Substances Control
- California Department of Education, School Facilities Division

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by the project, involving at least one impact that is a potentially significant impact as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agricultural Resources	☒ Air Quality
☐ Biological Resources	☐ Cultural Resources	☒ Geology/Soils
☒ Hazards/Hazardous Materials	☐ Hydrology/Water Quality	☒ Land Use/Planning
☐ Mineral Resources	☒ Noise	☐ Population/Housing
☐ Public Services	☐ Recreation	☐ Transportation/Traffic
☐ Utilities/Service Systems	☒ Mandatory Findings of Significance	

DETERMINATION:

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

10/6/05
Date

Charles Robitaille
Printed Name

Aspire Public Schools
For

EVALUATION OF ENVIRONMENTAL IMPACTS

A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources identified in the parentheses following each question and listed in the References section of this document.

ENVIRONMENTAL ISSUES

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
1.	**AESTHETICS.** Would the project:				
	a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
	b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
	c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
	d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Discussion:

The proposed Project would not result in significant adverse impacts to aesthetics. A brief discussion of each environmental topic included under Section 1 is presented below.

a. The Project site is in a mixed industrial and residential area. The site contains two warehouse buildings. There are no scenic vistas available from the Project site or in the Project area.

b. The Project site is not within a state scenic highway. The Project site does not contain any historic buildings, trees or rock outcroppings.

c. The Project site contains two metal warehouse buildings. The Project would demolish the existing buildings and construct a new school building. The Project would be a new, well-designed building that would include landscaping. The Project would result in an improvement in the visual character of the site and would be compatible with nearby residential development.

d. The Project would include low intensity outdoor lighting around the building perimeter, at building entrances and in the parking areas. Building perimeter lighting would cast light downwards onto the adjacent sidewalk and loop road. The building perimeter lighting generally would not be visible

from the adjacent residential development due to the Project landscaping, the perimeter landscaping for the adjacent residential development and the orientation of the nearest residential buildings, which are perpendicular to the Project school building. The pole mounted light fixtures in the parking areas and courtyard would be hooded, cast light downwards and would not cast light onto the adjacent residential development. Project night lighting would not be intrusive to adjacent residential development and is considered a less than significant impact.

Mitigation Measures:
None required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
2. AGRICULTURAL RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment, which due to their location or nature could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒

Discussion:

The proposed Project would not affect agricultural resources. A brief discussion of each environmental topic included under Section 2 is presented below.

a. The Project site is not in agricultural use. It is in industrial use and is located in an urban area. The site is surrounded by industrial and residential development.

b. The Project site is zoned M-30, which allows industrial use. The Project site is not under a Williamson Act contract.

c. The Project site is located in an urban area that is developed with industrial, commercial and residential development. Development of the Project site as a school would not result in the conversion of any farmland to non-agricultural use.

Mitigation Measures:
None required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

Discussion:

The proposed Project would result in less than significant operational air quality impacts. Potentially significant impacts due to construction activities could occur. The recommended mitigation measures would reduce potentially significant construction air quality impacts to a less than significant level. A brief discussion of each environmental topic included under Section 3 is presented below.

a) The Project would not conflict with the Bay Area Air 2000 Clean Air Plan (BAAQMD 2000).

b) The Bay Area Air Quality Management District (BAAQMD) has established thresholds for determining whether a given project has the potential for significant air quality impacts. If a project exceeds the thresholds, detailed air quality analyses are usually required. If the project does not exceed the thresholds, it is typically assumed to have a less than significant impact on air quality.

BAAQMD generally does not recommend a detailed air quality analysis for projects generating less than 2,000 vehicle trips per day. The proposed Project would generate 668 vehicle trips per day, thus, a detailed air quality analysis is not warranted. The Project would not expose the public to sources of toxic air contaminants or odors. Thus, the Project would fall below the BAAQMD thresholds for significant air quality impacts and is not considered a project that could cause an adverse air quality impact.

The Project would result in temporary construction activities that may impact air quality, but such impacts are highly variable from day-to-day depending on the type of construction activity. The BAAQMD has therefore developed a menu of mitigation measures, which if fully implemented, are presumed to achieve a less than significant air quality impact. The range of mitigation measures includes a set of "Basic Control Measures" and "Enhanced Control Measures" if the project construction area exceeds four acres. Because the project site is approximately 2.4 acres, only the Basic Control Measures are required. With implementation of these measures, dust emission impacts during construction would be less than significant.

c) The Project would not result in significant cumulative net increases in criteria pollutants. The BAAQMD identifies a project significance threshold of 2,000 daily vehicle trips. The Project would generate 668 daily vehicle trips, well below the 2,000 daily vehicle trips threshold. The project would not generate odors, toxics or have the potential for accidental releases of toxics. The proposed Project would not result in significant land use changes that would affect the growth assumed for Oakland in the Clean Air Plan (CAP) nor would it adversely affect the passenger vehicle trips and miles traveled (VMT).

d) Sensitive receptors in the Project area include residential development, which is adjacent to the Project site. Residential uses are considered more sensitive to air quality conditions than commercial and retail areas because people generally spend longer periods of time at their residences, resulting in greater exposure to ambient air quality conditions.

Project operations would not expose the nearby sensitive receptors to significant pollutant concentrations. However, during construction activities, sensitive receptors could be exposed to high levels of dust emissions. With implementation of the recommended mitigation measures, dust emission impacts would be less than significant.

e) The project would not create any objectionable odors.

Mitigation Measures:

According to the current BAAQMD CEQA guidelines, the recommended mitigation measures would reduce construction period air quality impacts to a less than significant level.

3.1 Construction contractors shall be required to water all active earth construction areas at least twice daily.

3.2 Construction contractors shall be required to cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least two feet of freeboard.

3.3 Construction contractors shall be required to pave, apply water three times daily or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.

3.4 Construction contractors shall be required to sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites.

3.5 If visible soil material is carried onto adjacent public streets, Construction contractors shall be required to sweep streets daily.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
4. **BIOLOGICAL RESOURCES.** Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Discussion:

The proposed Project would not result in significant adverse impacts to biological resources. A brief discussion of each environmental topic included under Section 4 is presented below.

a) The Project site is currently developed with two warehouse buildings and is completely paved. There is no vegetation on the Project site. Project development would not adversely affect candidate, sensitive or special status species.

b) There is no riparian habitat located on the Project site.

c) There are no wetland areas on the Project site.

d) Project development would not substantially interfere with the movement of migratory fish and wildlife.

e) The Project site contains no vegetation and would therefore, not conflict with any local ordinances or policies protecting biological resources.

f) Project development would not conflict with any Habitat Conservation Plans or Natural Community Conservation Plans or other approved local, regional or state habitat conservation plans.

Mitigation Measures:

None required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
5. **CULTURAL RESOURCES.** Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Discussion:

The proposed Project would not result in significant adverse impacts to cultural resources. A brief discussion of each environmental topic included under Section 5 is presented below.

a) The Project site contains two warehouse buildings constructed in 1948. The warehouse buildings are typical of the industrial warehouse design of the 1940's and 1950's era and have been modified over time to accommodate changing industrial use. The warehouse buildings are not listed on the California Register of Historical Resources (http://oph.parks.ca.gov). The warehouse buildings are rated F3*3 on the Oakland Cultural Heritage Survey. The survey identified the warehouse buildings as of generic importance and not of significance (personal communication Betty Marvin, 2005). There are no buildings on site that are considered historical resources as defined in Section 15064.5. The Project site is not associated with an historical California event or persons important in California's past. The demolition of the two warehouse buildings is considered a less than significant impact.

b) There are no known archaeological resources present on the Project site.

c) There are no known palentological resources present on site.

d) Project development would not disturb any known human remains.

Mitigation Measures:

None required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
6. **GEOLOGY AND SOILS.** Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a know fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☒	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐

	iv) Landslides?	☐	☐	☐	☒
b)	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c)	Be located on a geologic unit of soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☒	☐	☐
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

Discussion:

This discussion is based on the *Geotechnical Engineering & Geologic Hazards Study Proposed ASPIRE Charter School, 1009 66th Avenue, Oakland, California* prepared by LFR (2005d). The Project site is within the seismically active San Francisco Bay Area and, thus, strong ground shaking may be expected at the site. The recommended mitigation measures would reduce potentially significant impacts to a less than significant level. A brief discussion of each environmental topic is presented below.

a) The Project site is within the highly seismic San Francisco Bay Area, which is traversed by numerous faults of the San Andreas Fault system. The site is located approximately 2.3 miles southwest of the Hayward Fault, a branch of the San Andreas Fault. The main branch of the San Andreas Fault is located about 16 miles west of the site. The Calaveras Fault, another branch of the San Andreas Fault, is located approximately 11 miles southeast of the Project site. Other regionally active faults capable of producing significant ground shaking at the Project site are the Calaveras, Concord, Greenville, San Gregorio, Monte Vista-Shannon, Great Valley Thrust Zone and Rodgers Creek faults. The Project site is located outside of any designated Alquist Priolo Earthquake Fault Zone. Surface rupture should not reasonably be expected at the site during the life of the proposed school buildings. There are no known faults, active or inactive, in the Project area. However, historical seismicity, estimated likelihoods of earthquake occurrence and the proximity of the above-mentioned faults suggest that strong ground shaking may be expected at the site during the design lifetime of the proposed development. This is considered a potentially significant impact. The recommended mitigation measures would reduce the potential for human injury and structural damage during a seismic event.

   The Project site is level; therefore, landsliding does not present a significant risk. Subsurface geologic units at the site generally consist of sandy to silty clay deposits, with dome layers of clayey sand. The sands encountered below the groundwater table at the site are medium dense to dense

and contain appreciable fines. Based on the depth to groundwater and the fines content and relative density of the coarse-grained sediments, the potential for liquefaction at the site is low

b) Due to the Project site's topography, the potential for soil erosion is low; however, standard erosion control measures required under the City of Oakland's storm water pollution prevention and source control measures would reduce potential erosion impacts to a less than significant level.

c) The Project site is underlain by alluvial fan and fluvial deposits. Near surface soils encountered in the majority of the borings taken at the site consisted of very soft to medium-stiff, slightly plastic, silty clay. Two of the borings encountered fill apparently from previous environmental remediation activities. These soils are considered poor quality. Based on the site soil conditions, there is a potential for settlement. See 6a above for a discussion of liquefaction and landsliding. Recommended mitigation measures would reduce potential building settlement.

d) Testing was performed on a composite sample of sandy clay soil taken from the Project site to estimate the expansion potential of near surface soils. The expansion potential is identified as very low.

e) Project development would be connected to the municipal sewer system. See Section 16 Utilities and Service Systems below.

Mitigation Measures:

The recommendations identified in the Geotechnical Engineering and Geologic Hazards Study prepare by LFR shall be implemented. These are summarized below.

6.1 Existing debris, pavement and vegetation should be removed from proposed building and paved areas. Near surface materials shall be excavated and reworked in the proposed building pad and pavement areas. Over-excavation should extend to a depth of approximately three feet below ground surface (bgs), and the bottom of the excavation should extend a minimum lateral distance of five feet beyond the perimeter of the proposed building pads and pavement. Excavated materials that conform to the requirements for fill material may be temporarily stockpiled for use as backfill.

6.2 Buildings shall be supported on conventional continuous and/or isolated spread footings properly stiffened and tied together to resist seismic movements.

6.3 All exterior surface areas shall be sloped a minimum of two percent away from the buildings to facilitate drainage. In hardscape areas, drainage gradients shall be maintained to carry all surface water to area drains or off the site. Surface water ponding shall not be allowed anywhere on the site during or after construction. Building downspouts shall be piped to the storm drain system and not allowed to discharge directly on pavement or the ground surface.

6.4 Structural design of the school buildings shall be designed in accordance with the 2001 California Building Code with Division of State Architect (DSA) amendments and California Title 24.

6.5 All foundation construction and earthwork during construction shall be monitored by a qualified geologist or geotechnical engineer and DSA's Inspector of Record.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
7. HAZARDS AND HAZARDOUS MATERIALS. Would the project involve:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☒	☐	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including				

where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Discussion:

This discussion is based on the Preliminary Endangerment Assessment Work Plan (DTSC 2005), the *Stage 2 Risk Analysis Report, Proposed New Charter School Located at 1009 66th Avenue, Oakland, California* prepared by LFR (2005a), the *Railroad Risk Analysis Report, Proposed New Charter School, 1009 66th Avenue, Oakland, California* prepared by LFR (2005b) and the *Hazardous Materials Storage/Use and Air Emissions ¼ Mile Survey Report, Proposed Charter School, 1009 66th Avenue, Oakland, California* prepared by LFR (2005c). Recommended mitigation measures would reduce potentially significant impacts to a less than significant level. A brief discussion of each environmental topic included under Section 7 is presented below.

a) Limited quantities of hazardous materials would be used in educational laboratories. Hazardous materials storage in science labs would be limited to quantities allowed by the Uniform Building Code for Group B Occupancies as set forth by Table 7902.5A of the California Fire Code. The potential for Project-related emission of hazardous materials is considered less than significant.

b) **Presence of Hazardous Materials**

Project Site

The first industrial development of the Project site was in about 1948 when the existing office, manufacturing and warehouse buildings were constructed by Pacific Electric Motor (PEM). PEM occupied the site from 1948 to 2001. Activities at the site included manufacturing of specialty magnets, power supplies and components; and the repair of motors, generators, transformers and magnets. A 2,000 gallon gasoline tank installed at the site in 1975 was removed in 1995. A former shed is believed to have stored vehicle lubricants and oil for vehicle maintenance. The property was sold to Modad Properties in 2001, and the property facilities were operated by Bay Area Powder Coatings until their recent bankruptcy. Landeros Iron Works, who subleased from Bay Area Powder Coatings, continues its operations in the outdoor area southwest of the rear warehouse building. This operation appears to be primarily welding and metal structure fabrication (DTSC 2005).

Previous investigations indicate the there is a potential for exposure to hazardous materials due to the historic industrial uses at the site. The property has been directed by regulatory agencies to perform cleanup activities for polychlorinated biphenyls (PCBs), arsenic, lead and underground storage tank (UST) releases of petroleum hydrocarbon compounds. These and additional toxic chemicals, hazardous materials or hazardous wastes may exist in the site's soil and ground water at concentrations sufficient to pose a human health threat or environmental threat from exposure (DTSC 2005). Consequently, a subsurface investigation was performed at the site to establish, through data collection, whether the releases at the site, or threatened releases of hazardous substances, pose a threat to human health or the environment.

Preliminary Endangerment Assessment (PEA) and Supplemental Site Investigation (SSI). Based on the potential presence of affected soil and groundwater on the site from past industrial uses, the DTSC required that a PEA be performed at the site. A PEA work plan was prepared describing the sampling and analysis program to be performed at the site. The PEA work plan was reviewed and approved for implementation by the DTSC.

The PEA was performed at the site in early 2005 and revealed the presence of lead-affected soil, arsenic-affected soil, PCB-affected soil, petroleum hydrocarbon-affected soil and petroleum hydrocarbon-affected groundwater. The results of the PEA were presented in a report dated April 11, 2005. The PEA and findings of the PEA were approved by DTSC on September 22, 2005.

Additional characterization of the site, beyond that set forth in the PEA, was deemed necessary due to conditions encountered during the PEA, and a SSI work plan was prepared to provide the procedures and rationale for the planned additional characterization. A SSI was conducted at the site in August 2005 after review and approval of the SSI work plan by the DTSC. The SSI work plan was prepared in accordance with the guidelines of the DTSC and in consideration of review comments of the PEA report.

The objective of the SSI was to 1) further delineate, through data collection, the extent of selected elevated compounds of concern levels at the site; 2) estimate the concentrations of chemicals of concern at the site that could be left in place and result in acceptable risk levels (risk-based concentrations, RBC's); and 3) estimate the areas and volumes of target media with elevated compounds of concern for remedial actions. Chemical analytical samples were collected from 48 on-site soil borings and six groundwater sampling locations during the PEA and SSI. Various site soil samples were analyzed for Title 22 total metals including arsenic, lead and nickel using USEPSA Method 6010/7000 Series, hexavalent chromium using USEPA Series 7199 Methods, semi-volatile organic compounds (SVOC's) (including poly-aromatic hydrocarbons [PAHS]) using USEPA Method 8270C, polychlorinated biphenyls (PCBs) using USEPA Method 8082, volatile organic compounds (VOCs) using the USEPA Method 5035A sampling and field-preservation methods and total petroleum hydrocarbons (TPHs) using USEPA Method 8015M. The TPH analysis included carbon chain distinction (C6 through C40) to quantify gasoline, diesel and motor oil concentrations.

Collected groundwater samples were analyzed for VOCs using USEPA Method 8260B, SVOCs (including PAHs) using USEPA Method 8270C, and TPHs (gasoline, diesel and motor oil) using USEPA method 8015M.

Using the chemical data collected under the PEA as a starting point, the SSI field work defined the lateral and vertical extent of affected soil and groundwater at the site that will require remediation. The target chemicals for cleanup in soils include lead, arsenic, residual PCBs, and residual petroleum hydrocarbons. Groundwater target chemicals include petroleum hydrocarbons and associated compounds.

The chemical data collected during the SSI and the PEA were incorporated into a human risk evaluation that estimates cleanup goals for the identified chemicals.

Removal Action Workplan (RAW). A Removal Action Workplan (RAW) will be developed that evaluates the preferred remedial alternatives to mitigate health hazards associated with compounds detected in soil and groundwater. The RAW will evaluate various methods for removal of the health hazards, including excavation and off-site disposal of the affected soil, in situ remediation of the affected soil and monitoring of groundwater.

Aspire Public Schools anticipated that excavation and off-site disposal of the affected soil will be the preferred remedial alternative to mitigate the affected soil since this method is typically the most time-effective and cost-effective alternative. The RAW will be submitted to the DTSC for their review and approval prior to implementation.

Work practices will be used to control and monitor migration of dust during excavation activities. These practices typically include spraying excavated soil with water to reduce visible emissions and collecting air samples from work areas for analysis to document concentrations of total dust and compounds detected in soil at the site.

A Removal Action Completion (RAC) report will be prepared following completion of site work to document that the health hazards have been mitigated. This report will be submitted to the DTSC for their review and approval.

Upon approval of the RAC report by the DTSC, the DTSC will prepare a Final Determination Letter indicating that further action is required or that the site has been successfully remediated. The RAC and DTSC's Final Determination Letter will be submitted to the California Department of Education (CDE) for their approval. CDE's final approval on the Project must be obtained prior to Aspire Public Schools occupying the school campus.

¼- Mile Radius of Project Site

On June 24, 2005, LFR Levine Fricke (LFR) performed a Hazardous Materials Storage/Use and Air Emissions Survey of the site vicinity. The California Code of Regulations (CCR) Title 5, Section 14011 (i) requires school districts to consult with local agencies and air pollution control/air quality management districts concerning facilities having hazardous or acutely hazardous air emissions within a ¼ mile radius of a proposed new school site. LFR's survey was completed in accordance with this regulation.

If such facilities are present, the school district must adopt written findings to indicate that these facilities do not and will not constitute an actual or potential endangerment of the school site. If the risks associated with these potential hazards can be mitigated, exemptions of specific sections of these regulations may be granted as described under CCR Title 5 Sections 14010 (u) and 14011 (n).

The State of California General Education Code Provisions, Chapter 1, Article 1 also notes that a proposed school site is not to be located within a ¼-mile radius of a facility that might reasonably be anticipated to handle hazardous or acutely hazardous substances or to emit hazardous air emissions, unless potential hazards can be mitigated.

American Fumigation, located approximately 150 feet west of the proposed school site, was identified during LFR's survey. This facility provides on-site fumigation services for fruits, vegetables, beans, etc. The facility is currently regulated by the State of California Department of Agriculture and utilizes three hazardous materials, including Methyl Bromide, Aluminum Phoshide (Fumatoxin mixed with Aluminum Phosphide) and Propylene Oxide (PPO).

American Fumigation has a general duty under Section 112 (r)(1) of the Federal Clean Air Act Amendments to prevent and mitigate the consequences of releases of extremely hazardous substances. As required by the Clean Air Act Amendments, American Fumigation must identify hazards which may result from releases using appropriate hazard assessment techniques and then design and maintain a safe facility taking such steps as are necessary to prevent releases, and, minimize the consequences of accidental releases that do occur.

The legal authority in California for implementing and enforcing the requirements of Section 112(r) are contained in California Health and Safety Code (H&SC), Division 20, Chapter 6.95, Article 2 Section 25531. The risk management program, also known as the California Accidental Release Prevention (CalARP), is administered by the local Certified Unified Program Agency (CUPA) in each county or local jurisdiction. In the case of American Fumigation the local CUPA is the Oakland Fire Department (OFD). Exhibit C includes a Notice of Violation issued by the Oakland Fire Department.

On August 1, 2005, LFR concluded in their Hazardous Materials Survey Report that American Fumigation did not have a Hazardous Material Business Plan (HMBP) or a Risk Management Plan (RMP) on file with the OFD. The OFD cited American Fumigation for failure to file a HMBP and for not having a certified RMP. The City of Oakland attorney has issued a Cease and Desist Order to American Fumigation (see Exhibit A).

LFR's study also concluded that American Fumigation did not have a permit to operate from the Bay Area Air Quality Management District (BAAQMD). Exhibit D includes a letter from BAAQMD confirming there were no identified sources of toxic air contaminants within a ¼ - mile radius of the Project site. LFR understands that American Fumigation recently filed an application for a permit with the BAAQMD; however the permit review process is on hold pending OFD's receipt, review and approval of American Fumigation's HMP.

Finally, there is some uncertainty that American Fumigation is compatible with the present requirement for areas zoned, M-30. Information obtained by LFR indicates that American

Fumigation activities are not in conformance with present zoning regulations unless a conditioned approval has been issued by the City of Oakland. The City of Oakland Planning Department has requested an affidavit from American Fumigation stating the type of business that it operates and its employed methods of operation in order to determine whether the operated use is in conformance with the zoning standards within the M-30 zone.

Non-conformance issues for American Fumigation include:

1) The outdoor chemical storage area is ~100 feet from the nearest residence rather than at least 2,000 feet as required (17.70.040).
2) Overall operations at the facility may be detrimental to the public health and safety, or general welfare of the community (17.70.081).

A chronology of events regarding American Fumigation is included in Exhibit E.

Conveyance of Hazardous Materials

The California Code of Regulations, Title 5, Section 14010(h) stipulates that proposed school sites shall not be located within 1,5000 feet of the easement of an above ground water or fuel storage tank, above ground pipeline or underground pipeline. One 30-inch diameter, 198 pound-per square-inch (psi) natural gas pipeline and two liquid fuel pipelines (10-inch and 12-inch diameter) are located within 1,500 feet of the Project site. A pipeline risk analysis was undertaken (LFR 2005a) and determined the individual risk posed by the two liquid fuel pipelines and the natural gas pipeline was found to be insignificant.

c) The California Code of Regulations, Title 5, Section 14010(d) requires that a railroad risk analysis be undertaken if a school site is within 1,500 feet of a railroad track easement. The Project site is approximately 1,000 feet east of a railroad easement owned by Union Pacific Railroad Company (UP). Two railroad tracks are within this easement, one mainline and one spur. A railroad risk analysis was prepared for the Project site (LFR 2005b) and determined the following risks and impacts railroad operations may have on Project students and staff:

- Noise impacts from train operations during school hours resulting from train horns as trains approach the 66th Avenue crossing and noise from trains running on the track. Due to the distance and intervening buildings, this noise is considered less than significant (see Section 11 Noise.)

- Potential safety risks to students and staff crossing the railroad tracks at 66th Avenue to access BART. This is considered a potentially significant impact.

- Potential exposure to hazardous materials as a result of a railroad derailment. This is considered a potentially significant impact.

Mitigation measures are recommended to reduce these potentially significant impacts to a less than significant level.

d) Although the Project site is not included on DTSC's Hazardous Waste and Substances Site List (www.dtsc.ca.gov) as discussed under Item 7b above, the Project site may contain hazardous materials.

e) The Project site is within two mile of Oakland International Airport. The Division of Aeronautics has determined the Project site provides the level of safety suitable for a school site (Department of Transportation 2005).

f) The Project site is not located within two miles of any private airstrip.

g) The Project site is not located along any of the City of Oakland's designated evacuation routes. The Project would not interfere with adopted emergency response and evacuation plans.

h) The Project site is within the city limits and surrounded by urban development. There are no wildland areas within the Project vicinity.

Mitigation Measures:

7.1 Aspire Public Schools shall not occupy their facilities at 66th Avenue until American Fumigation:

a) Receives regulatory approval to operate after installing abatement devices and redundant controls, and American Fumigation procedures are evaluated and monitored by a qualified engineer prior to resumption of its operation.
Or:
b) Closes their facility and removes the existing chemical hazards, if regulatory approval to operate is not granted.

7.2 A Human Health Risk Assessment shall be prepared to determine the potential exposure of future populations at the school site.

7.3 The conclusions and recommendations of the Preliminary Endangerment Assessment Work Plan shall be implemented.

7.4 Aspire Schools shall implement a railroad safety awareness program for students, staff and parents at the school.

7.5 Aspire Schools shall notify UP, the California Public Utilities Commission (CPUC) and the City of Oakland Public Works Department of the condition of the pavement near the UP easement and 66th Avenue.

7.6 Aspire Schools shall notify the CPUC of the future construction of the new school at the Project site.

7.7 Aspire Schools shall prepare an emergency evacuation plan for students and staff to address the event of a railroad derailment. Proper evacuation routes, means of organization and related aspects of the plan should be addressed.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
8. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?)	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

j) Inundation by seiche, tsunami, or mudflow? ☐ ☐ ☐ ☒

Discussion:

The Project would not result in significant adverse hydrology and water quality impacts. A brief discussion of each environmental topic included under Section 8 is presented below.

a) The Project would not result in the violation of any water quality standards.

b) The Project site is currently served with water by East Bay Municipal Utilities District. The school facility would not generate a significant increase in water demand that could not be served by existing water facilities. See Section 16 for a discussion on water service. The Project would not adversely affect groundwater.

c) The Project would not significantly alter current drainage at the site. Approximately 80 percent of the site is impervious surface; a dirt area comprising about 20 percent of the site area is located at the back of the site. The Project would cover about 80 percent of the site in impervious surface. A 0.10-acre turf play area would be located at the northwest portion of the site. Thus, the extent of impervious surface at the site would generally remain similar. The Project is relatively flat and would not cause substantial erosion or siltation on or off site. Standard erosion control measures would be included in site grading and construction activities in compliance with the City of Oakland's stormwater pollution prevention and source control measures.

d) There are no streams or drainages on the Project site. Storm water runoff is captured and conveyed in pipe to the City's storm water system located in 66th Avenue. Site runoff would generally remain the same.

e) Project development runoff would be similar to existing conditions at the site. It would not exceed the capacity of existing or planned storm water systems.

f) Other than potential pollutants caused by Project construction (see Item 8c above) there is no Project operation that would substantially degrade water quality.

g) The Project is the construction of a new Charter school and is not within a 100-year flood zone. There is no housing proposed.

h) The Project site is beyond the extent of the potential inundation zone resulting from catastrophic failure of the Chabot and Upper San Leandro Reservoirs to the east of the site.

i) The Project site is located about one mile inland of San Leandro Bay and about 2.25 miles inland of San Francisco Bay. The potential for inundation by seiche or tsunami or mudflows is considered remote.

Mitigation Measures:
None required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
9. LAND USE PLANNING. Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☒	☐	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Discussion:

The Project would not result in significant adverse land use impacts. A brief discussion of each environmental topic included under Section 9 is presented below.

a) The Project would develop a school adjacent to an existing residential area, which is considered a compatible land use. The Project would not physically divide this establish residential community.

b) The Project would be constructed on a site zoned M-30 General Industrial which allows schools as a conditional use. As a public school charter school, the Project is not subject to local land use controls such as zoning. The Project would be sited between an adjacent residential development and the Fruitvale Business Park. The school would be compatible with the residential neighborhood as it will offer educational facilities within a convenient walking distance for nearby residents.

The adjacent Fruitvale Business Park contains primarily commercial/light industrial activities that are low intensity uses that are not expected to generate excessive noise or heavy traffic that could present safety hazards for the school. However, an existing use, American Fumigation, is currently under a Cease and Desist Order from the City of Oakland due to the storage, handling and generating and/or use of hazardous materials or waste without the appropriate permits and

approvals. It is uncertain if American Fumigation is in conformance with the M-30 zoning district. This represents a potential safety risk to the proposed Project. Section 7 Hazards and Hazardous Materials address the potential safety issues associated with American Fumigation and recommends mitigation measures.

c) The Project would not conflict with any habitat conservation or natural community conservation plans. See Section 4 Biological Resources.

Mitigation Measures:

9.1 Mitigation Measure 7.1 shall be implemented.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
10. **MINERAL RESOURCES.** Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Discussion:

The proposed Project would not affect mineral resources. A brief discussion of each environmental topic included under Section 10 is presented below.

a) The Project would not affect any known mineral resources.

b) The Project site was formerly in industrial use. It would not affect the availability of locally-important resources. The City of Oakland General Plan designates the site as Housing and Business Mix.

Mitigation Measures:
None required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
11. **NOISE.** Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan, specific plan, noise ordinance or applicable standards of other agencies?	☐	☒	☐	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Discussion:

Project operations would result in less than significant operational noise impacts. The Project could result in short-term noise impacts during construction activities. The recommended mitigation measures would reduce potentially significant noise impacts to a less than significant level. A brief discussion of each environmental topic included under Section 11 is presented below.

a) During certain construction phases, adjacent residences could be exposed to noise in excess of local standards, unless limited to daytime hours (7:00 AM to 7:00 PM) weekdays and 9:00 AM to 8:00 PM weekends (City of Oakland). Heavy equipment operating after these hours could be disturbing. This is considered a significant temporary noise impact. The recommended mitigation measures would reduce potentially significant temporary construction noise impacts to a less than significant level.

b) Project construction would not include construction equipment that would result in excessive groundborne vibration or groundborne noise levels.

c) School operation would include outdoor recreational activities in the back portion of the school site. This would increase the noise level at the Project site for limited times during the school day. However, this would not adversely affect the adjacent residential development to the north and east due to the orientation of the majority of adjacent residential buildings, which are sited perpendicular to the school site, and would not expose unit entrances and most unit windows to outdoor play noise.

d) Project construction activities would temporarily increase the noise level at the Project site. See Item 11a above.

e) The Project is located less than two miles northeast of Oakland International Airport. The Division of Aeronautics has determined that some aircraft operations will occur over the Project (Department of Transportation 2005). Noise from aircraft that may intermittently fly over the Project site is considered a less than significant impact

f) The Project is not within the vicinity of any private airstrips.

Mitigation Measures:

11.1 Noise-generating construction activities, including truck traffic, shall be limited to daytime hours (7:00 AM to 7:00 PM) during normal weekdays and between 9:00 AM and 8:00 PM on Saturdays. Construction shall not be allowed on Sundays and federal holidays.

11.2 All construction equipment powered by internal combustion engines shall be properly muffled and maintained.

11.3 All stationary noise-generation equipment shall be located as far as practical from residences.

11.4 Nearby residences shall be notified of the construction schedule in writing.

11.5 Noise from worker activities including loud radios, shouting and vehicle activity shall be controlled near adjacent residences.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
12. **POPULATION AND HOUSING.** Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐

b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion:

The Project would not generate significant population increases or demand in housing. A brief discussion of each environmental topic included under Section 12 is presented below.

a) The Project would provide capacity for up to 420 students in grades 6 to 12 in an area that is transitioning from commercial and industrial use to residential use. The Project would serve the existing and planned residential development in the Project area. The Project would not induce population growth in the area.

b) The Project is the construction of a school on a site that previously housed an industrial use. The Project would not displace any housing units.

c) The Project would not displace any residents in the neighborhood. See Item 12b above.

Mitigation Measures:

None required.

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
13.	**PUBLIC SERVICES.** Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a)	Fire protection?	☐	☐	☒	☐
b)	Police protection?	☐	☐	☒	☐
c)	Schools?	☐	☐	☐	☒
d)	Parks?	☐	☐	☐	☒
e)	Other public facilities?	☐	☐	☐	☒

Discussion:

Project impacts to public services would be less than significant. A brief discussion of environmental topics included under Section 13 is presented below.

a) The Project would not require additional fire protection services beyond what is currently provided for the neighborhood. Fire Station No. 2 which is located at 1016 66th Avenue across the street from the Project site would provide first response to the Project.

b) The Project would not require additional police protection services beyond what is currently provided for the neighborhood.

c) The Project would provide additional classrooms to meet community needs.

d) The nearest neighborhood park is Coliseum Garden Park which is located across the street from the Project site. While it is possible that students may use the park after school, this is not anticipated to result in a significant increase in park use beyond park capacity.

e) The Project would not adversely affect other public facilities.

Mitigation Measures:

None required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
14. **RECREATION.** Would the project:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Discussion:

The Project would provide recreational facilities on site. Any impacts to nearby parks and recreational facilities as a result of student use is considered to be less than significant. A brief discussion of each environmental topics included under Section 14 is presented below.

a) The Project would not generate a significant increase in use of parks or other recreational facilities.

b) The Project would provide some athletic facilities on campus including a basketball court and turf play area.

Mitigation Measures:

None required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
15. **TRANSPORTATION/CIRCULATION.** Would the proposal result in:				
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections?	☐	☐	☒	☐
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Result in inadequate parking capacity?	☐	☐	☒	☐
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

Discussion:

Korve Engineering (2005) conducted the traffic analysis for the proposed Project. Based on this analysis, no significant traffic impacts were identified. A brief discussion of each environmental topic included under Section 15 is presented below.

a) Existing Traffic Conditions

Traffic conditions in the study area are assessed through the evaluation of peak hour Level of Service (LOS) at the study intersections. The LOS concept qualitatively characterizes traffic conditions associated with varying levels of traffic. A LOS determination is a measure of congestion, which is the principal measure of roadway service. Level of Service definitions for signalized intersections are illustrated in Table 2. Level of Service ranges from LOS A which indicates a free-flow condition to LOS F, which indicates a jammed condition. A service level is assigned based on average total vehicle delay.

Existing turning movement counts were conducted at the 66th Avenue/International Boulevard/Havenscourt Boulevard and 66th Avenue/San Leandro Boulevard intersections during the morning and evening peak hours on March 24, 2005. Summaries of these counts are included in Exhibit F.

TABLE 2: SIGNALIZED INTERSECTION LEVEL OF SERVICE DEFINITIONS

Level of Service	Average Control Delay (seconds/vehicle)	Description
A	≤ 10.0	Little or no delay
B	>10.0 and ≤ 20.0	Short traffic delay
C	>20.0 and ≤ 35.0	Average traffic delay
D	> 35.0 and ≤ 55.0	Long traffic delay
E	> 55.0 and ≤ 80.0	Very long traffic delay
F	> 80.0	Extreme traffic delay

Traffic conditions at the study intersections are evaluated for the morning and evening peak hours using the methodology of the Transportation Research Board's *2000 Highway Capacity Manual.* As presented in Table 3, currently the study intersections function acceptably with LOS D or better under existing conditions.

TABLE 3: SUMMARY OF INTERSECTION LOS - EXISTING CONDITIONS

Intersection	Control	Peak Hour	Existing Conditions Level of Service (Delay in Seconds/Vehicle)
66th Ave/International Blvd/ Havenscourt Blvd	Signal	AM	C (29.4)
		PM	D (38.6)
66th Ave/San Leandro Blvd	Signal	AM	B (18.4)
		PM	C (24.7)

Project Trip Generation

The number of vehicle trips that would be generated by the proposed project was estimated through a trip generation analysis. Trip generation rates for the land use under consideration were taken

from the Institute of Transportation Engineers (ITE)'s, *Trip Generation Manual, Seventh Edition.* Table 4 summarizes the Project's anticipated trip generation.

The proposed Project is forecast to generate approximately 668 inbound and outbound trips daily. The Project is forecast to generate approximately 218 vehicle trips (120 inbound and 98 outbound trips) in the AM peak hour and 62 vehicle trips (32 inbound and 30 outbound trips) in the PM peak hour.

TABLE 4: SUMMARY OF PROJECT VEHICLE TRIP GENERATION

Land Use	Size	AM Peak			PM Peak			Daily		
		In	Out	Total	In	Out	Total	In	Out	Total
Middle/jr. high school	412 students	120	98	218	32	30	62	334	334	668

Source: Institute of Transportation Engineer's, *Trip Generation Manual, Seventh Edition*

Project Trip Distribution

The Project's anticipated trip distribution pattern was developed based on existing traffic flows on the adjacent street system. Fifteen percent of Project traffic is expected to depart or arrive from the north via International Boulevard. Fifteen percent of Project traffic is expected to depart or arrive from the south via International Boulevard. Fifteen percent of Project traffic is expected to depart or arrive from the north via San Leandro Boulevard. Fifteen percent of Project traffic is expected to depart or arrive from the south via San Leandro Boulevard. Twenty percent of Project traffic is expected to depart or arrive from the east via Havenscourt Boulevard, and twenty percent of Project traffic is expected to depart or arrive from the west via 66th Avenue.

Traffic Impact Analysis

This analysis evaluates the morning and evening peak hour Levels of Service (LOS) at the study intersections for the four study scenarios.

Two, one-way driveways to the Project would be located off of the north side of 66th Avenue. All traffic accessing the site would use these driveways and would arrive on 66th Avenue passing through either the San Leandro Boulevard intersection or the International Boulevard intersection. Both unsignalized driveways and the two signalized intersections were analyzed using the TRAFFIX software as specified by the City's *Transportation Impact Report Policy.* Level of Service definitions for unsignalized intersections are illustrated in Table 5. A level of service is assigned based on average total vehicle delay based on the Transportation Research Board's *2000 Highway Capacity Manual.*

TABLE 5: INTERSECTION LEVEL OF SERVICE DEFINITIONS - UNSIGNALIZED INTERSECTIONS

Level of Service	Description	Average Total Delay (seconds/vehicle) Unsignalized Intersections
A	Little or no delay	$\leq$ 10.0
B	Short traffic delay	> 10.0 and $\leq$ 15.0
C	Average traffic delay	> 15.0 and $\leq$ 25.0
D	Long traffic delay	> 25.0 and $\leq$ 35.0
E	Very long traffic delay	> 35.0 and $\leq$ 50.0

Source: *Highway Capacity Manual 2000*, Transportation Research Board, Washington D.C. 2000.

Table 6 summarizes the level of service analysis. LOS calculation worksheets are included in Exhibit F. Currently, both intersections operate at LOS C. With addition of the Project, both intersections continue to operate at LOS C.

The Cumulative without Project traffic volumes were determined using ACCMA traffic forecasts with adjustments based on City of Oakland land use assumptions. Growth projected between the base year (2000) and future (2025) model forecast was used to calculate an average annual non-compounded traffic volume growth rate of 1.1 percent per year. This growth rate (22 percent over 20 years) was applied to the observed existing (2005) volumes to determine the Cumulative base (2025) without Project traffic volumes. Cumulative plus Project traffic volumes were determined by adding the proposed Project trips to the Cumulative base.

In the Cumulative without Project and Cumulative plus Project conditions, both study intersection were found to remain at LOS C during the AM peak hour. In the PM peak hour, the International Boulevard / 66th Avenue / Havenscourt Boulevard intersection would change to LOS D and the San Leandro Boulevard / 66th Avenue intersection would degrade to LOS E with or without the project. The Project's contribution to traffic volume increases at the San Leandro Boulevard / 66th Avenue intersection would be less than one percent, which is considered less than significant. Thus, the project would not result in significant cumulative traffic impacts.

Currently, 66th Avenue at the Project frontage consists of one travel lane in each direction. The Project's exit driveway on the west side of the project frontage would be stop controlled. The entrance driveway on the east side of the Project frontage requires no traffic control devices. On 66th Avenue, there would be no turning restrictions on vehicles entering and exiting the proposed Project site. The driveway intersections were found to operate at LOS A under Existing, Existing Plus Project, Cumulative, and Cumulative Plus Project conditions.

TABLE 6: SUMMARY OF LEVEL OF SERVICE ANALYSIS

Intersection	Peak Hour	Level of Service (Average Total Delay in Seconds/Vehicle)			
		Existing		Cumulative	
		No Project	With Project	No Project	With Project
San Leandro Blvd /	AM	C (24.8)	C (29.6)	C (27.1)	C (32.7)
66th Ave	PM	C (29.2)	C (30.0)	E (62.5)	E (63.7)
International / 66th	AM	C (30.0)	C (31.3)	C (32.2)	C (33.7)
Ave / Havenscourt	PM	C (33.7)	C (34.3)	D (43.0)	D (43.0)
	AM	-	A (0.6)	-	A (0.5)
Entrance Driveway	PM	-	A (0.1)	-	A (0.5)
	AM	-	A (1.8)	-	A (0.1)
Exit Driveway	PM	-	A (0.5)	-	A (0.5)

An ACCMA segment analysis was performed to evaluate the potential impacts of the proposed Project on the peak hour operations of Interstate 880. The segment volumes were determined using ACCMA traffic forecasts with adjustments based on City of Oakland land use assumptions. The methodology of the segment analysis is based on volume-capacity ratio level of service definitions according to Transportation Research Board's Highway Capacity Manual. The Project would not cause a significant adverse impact to the level of service of I-880. Tables 7 and 8 summarize the LOS of I-880 in all four scenarios.

TABLE 7: ACCMA SEGMENT ANALYSIS - EXISTING SCENARIOS

Segment	Peak Hour	Existing - No Project			Existing - With Project		
		LOS	V/C	Vol/Lane /Hr	LOS	V/C	Vol/Lane /Hr
I-880 NB North of	AM	D	0.84	1,852	D	0.84	1,855
66th Avenue	PM	D	0.90	1,989	D	0.90	1,990
I-880 SB North of	AM	D	0.82	1,800	D	0.82	1,803
66th Avenue	PM	D	0.87	1,910	D	0.87	1,911

TABLE 8: ACCMA SEGMENT ANALYSIS - FUTURE SCENARIOS

Segment	Peak Hour	2025 - No Project			2025 - With Project		
		LOS	V/C	Vol/Lane /Hr	LOS	V/C	Vol/Lane /Hr
I-880 NB North of	AM	E	0.90	1,989	E	0.91	1,992
66th Avenue	PM	E	0.95	2,089	E	0.95	2,090
I-880 SB North of	AM	E	0.81	1,786	E	0.81	1,789
66th Avenue	PM	E	0.91	1,995	E	0.91	1,996

b) The Project would not result in the City's Level of Service D standard being exceeded.

c) The Project would not affect air traffic patterns.

d) The Project design would not create significant hazards either on or off site.

e) The Project site plan design provides adequate emergency access to the project site.

f) The proposed Project would provide 26 on-site parking spaces, located in surface lots on the south, and west sides of the school buildings. The Project would also provide three on-site drop-off spaces in the south parking lot. Parking for up to two school buses would be provided on the Project's 66th Avenue frontage.

Based on the Institute of Transportation Engineers *Parking Generation 3rd Edition* a middle school generates a peak demand for 1.2 parking spaces per employee. The Aspire Charter School would have 30 staff members and thus requires 36 parking spaces to meet the peak midday parking demand. Given the 26 on-site parking spaces, this means that approximately 10 vehicles would need to park off-site during the peak periods. There is currently little use of on-street parking on 66th Avenue in the Project vicinity since most of the commercial and industrial facilities in the area have on-site parking. Thus, sufficient on-street parking capacity is available in the Project area to handle the off-site parking demand of the school and there is no significant parking capacity impact.

Based on conditions at other Aspire Schools, the Project sponsor projects that during the morning drop-off, 20 percent of students would arrive by car (including carpools). These drop-offs would occur at the three on-site drop-off spaces and the loading zone between the two Project driveways on 66th Avenue. The loading zone is designed to accommodate buses when necessary but is expected to be used during peak periods as a drop-off zone for students arriving by automobile. For a worst case estimate of vehicular queuing this analysis assumes one student per vehicle (i.e., no carpooling). Thus, there would be 84 vehicles arriving during the morning drop-off period. Since the majority of student arrivals happen in a 20 minute period before the start of school and the average drop-off can be completed in one minute or less, there would be an average of about four vehicles dropping off students at any given time during the 20 minutes before school. This could be easily accommodated by the three on-site drop-off spaces and on-street loading zone. The worst case condition for vehicle drop-offs would be about eight vehicles which would exceed the proposed drop-off spaces by one space: three on-site drop-off spaces and approximately four vehicles that would occupy the street front loading zone for a deficit of one vehicle. In order to avoid potential double parking during drop-offs, it is recommended that the school provide safety monitors during peak drop-off periods to direct vehicles and pedestrians and that when the on-street loading zone is full the monitors guide vehicles to enter the project driveway and wait for a drop-off space to become available. The driveway has the capacity to hold the surplus one vehicle drop-off demand until spaces become available.

g) The project would not conflict with adopted City policies, plans and programs. Traffic generated by the project would not cause traffic operations to exceed acceptable LOS D levels at the Study intersections.

Mitigation Measures:

While no significant project traffic impacts were identified, the following measures are recommended to improve access and circulation:

15.1 The school shall develop a drop-off and pick-up operations plan to ensure efficient on-site traffic flow during peak periods. The School shall provide safety monitors to direct drop-off traffic and ensure that drivers adhere to the operations plan.

15.2 Provide signs indicating permanent or time of day parking restrictions along the project's 66th Avenue frontage area intended for loading operations and potential school bus use.

15.3 Provide signs on 66th Avenue indicating that this is a school zone.

15.4 Provide wheelchair curb ramps in where the pedestrian walkway crosses parking lot curbs in compliance with Americans with Disabilities Act requirements.

15.5 Provide bicycle racks for use by students and staff.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
16. **UTILITIES AND SERVICE SYSTEMS.** Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐

e)	Result in a determination by the wastewater treatment provider, which serves or may serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?)	☐	☐	☒	☐
g)	Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

Discussion:

a) The Project would not adversely affect any wastewater treatment requirements.

b) The Project would not adversely affect water and wastewater treatment facilities. The Project would not result in a significant increase in capacity for these facilities that could not presently be accommodated under existing and planned capacities.

c) The Project would not adversely affect storm water drainage facilities serving the Project site. Storm water runoff would be similar to existing site conditions.

d) The Project site is currently served with potable water by the East Bay Municipal Utilities District (EBMUD). It is estimated the Project would result in a water consumption rate of approximately 3,040 gallons per day (gpd), including water for irrigation.

e) Sewer service to the Project is provided by EBMUD. It is estimated the Project would result in a waster flow of about 2,640 gpd.

f) Construction debris resulting from the demolition of the two warehouse buildings would be hauled to nearby landfills. There is sufficient capacity to accommodate the construction debris. IF hazardous waste is confirmed to be present on the site upon completion of the site testing, it will be disposed of according to federal and state standards.

g) The Project would comply with federal, state and local solid waste and hazardous waste regulations.

Mitigation Measures:

None required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
17. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☒	☐
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

The Project would result in the following potentially significant impacts: risk to humans and property due to a seismic event, potential land use conflicts, construction noise impacts, construction air quality impacts and hazardous materials impacts. The recommended mitigation measures would reduce these potentially significant impacts to a less than significant level.

REFERENCES

California Department of Toxic Substances Control (DTSC). 2005. *Preliminary Endangerment Assessment Work Plan Proposed Aspire Charter High School. Prepared for Aspire Public Schools.* March 4, 2005.

California Department of Transportation, Division of Aeronautics. Letter dated March 18, 2005.

LFR 2005a. *Stage 2 Risk Analysis Report, Proposed New Charter School Located at 1009 66th Avenue, Oakland, California.* Prepared for Aspire Public Schools. February 7, 2005.

LFR. 2005b. *Railroad Risk Analysis Report, Proposed New Charter School, 1009 66th Avenue, Oakland, California.* Prepared for Aspire Public Schools. March 10, 2005.

LFR. 2005c. *Hazardous Materials Storage/Use Air Emissions ¼-Mile Survey Report, Proposed Charter School, 1009 66th Avenue, Oakland California.* Prepared for Aspire Public Schools. August 1, 2005.

LFR. 2005d. *Geotechnical Engineering and Geologic Hazards Study, Proposed Aspire Charter School, 1009 66th Avenue, Oakland, California.* Prepared for Aspire Public Schools. April 22, 2005.

Martin, Betty. Historic Preservation Planner, Oakland Cultural Heritage Survey, City of Oakland. Personal communication April 25, 2005.

City of Oakland. Oakland Planning Code, Performance Standards, Section 17.120.050.

Transportation Research Board. *2000. 2000 Highway Capacity Manual.*

EXHIBIT A
Cease and Desist Order – City of Oakland

CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA, SUITE 3341 · OAKLAND, CALIFORNIA 94612-2032

Fire Prevention Bureau (510) 238-3851
TDD (510) 238-6884

Cease and Desist Order

Operator:	American Fumigation	Date:	August 26, 2005
Address:	973 66th Ave	Case #:	JK-67
	Oakland, CA 94621	Parcel #:	041-4056-004-00
Contact:	Kenneth Gray	Delivery:	In Person

American Fumigation, its employees, agents and owners must immediately cease and desist all activities at 973 66th Ave in Oakland involving the handling, storage, generation and/or use of hazardous materials or waste. Procurement of all applicable permits, filing of all applicable documents, and procurement of all applicable approvals is required before these activities may commence. Specifically, the facility and its owners must submit and get approval for a Hazardous Materials Business Plan (HMBP) and Risk Management Plan (RMP) with the City of Oakland Fire Department, California Office of Emergency Services, and the United States Environmental Protection Agency.
All hazardous activities must immediately cease and desist as:

- According to an ALOHA 5.2.3 computer model of a release of one methyl bromide canister to the atmosphere using conservative model parameters would result in severe injury and death within a 200 meter radius (see attached analysis and map).
- Highly hazardous materials are stored in an unmarked and insecure manner within an area that is readily accessible to the public, acts of god, vandalism, and/or terrorism would result in a catastrophic release of highly toxic materials to the environment and represents a significant risk to public health and safety,
- A release of materials stored onsite would result in mass casualties in the high density residential and open space resources adjacent to the facility, and would result in high numbers of casualties and deaths,
- Risk management analysis and plan as required by local, state, and federal statute has not been completed or approved, the public health and environmental impacts of a release from the site could not be adequately controlled as the facility has no arrangements with local fire or first responder personnel,
- The facility has operated for over 10 years without appropriate approvals or safeguards for the health and safety of residents and the environment,
- There is no established emergency response plan or personnel to respond to a release or threatened release at the facility,
- It is dangerous and illegal to operate without an approved Risk Management Plan,

The "Release Plume Analysis" requires standard release analysis for methyl bromide. While the OSHA exposure limit for methyl bromide has been vacated, the previously established maximum exposure limit was 20ppm and is still used by OSHA. Therefore, the standard release analysis using 20ppm max limit for standard use of methyl bromide is still pending.

Temporary Permission to Operate:
As the stationary facility at 973 66th avenue has operated for many years without the required environmental compliance documentation and permits in place, and the processes onsite pose a significant risk to human and environmental health and safety, and sufficient risk analysis and mitigation have not been completed (an RMP has not been submitted), and the requested documentation for temporary operations are incomplete, the cease and desist order relating to all fumigation activity and fumigant storage at the subject property is still fully in effect.

If you have any further questions or concerns, contact Inspector Jesse Kupers at 510 238-7054.

Sincerely,

Jesse Kupers
Hazardous Materials Inspector II

CC: Leroy Griffin, Assistant Fire Marshal
Chales Vose, City Attorney's Office
Antoinette Renwick, Building Services

CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA, SUITE 3341 · OAKLAND, CALIFORNIA 94612-2032

Fire Prevention Bureau

(510) 238-3851
TDD (510) 238-6884

COMMENTS ON SUBMITTAL OF INITIAL COMPLIANCE REQUIREMENTS

Operator:	American Fumigation	Date:	September 8th, 2005
Address:	973 66th Ave	Case #:	JK-67
	Oakland, CA 94621	Parcel #:	041-4056-004-00
Contact:	Ken Gray	Delivery:	Faxed
		Certified Mail:	70041350000045461402

This letter is a response to the documents submitted to this office today at 10am including:

- HMBP Materials Inventory Sheets update
- Process Description
- Release Plume Analysis

HMBP:
Regarding the HMBP submittal, the inventory sheets submitted today are acceptable. The additional update requirements as outlined in the letter to you dated September 2nd, 2005 are still pending and must be submitted. Namely,

- Page 1 section 2, identification of hazard classes and amounts, and
- Clear and easy to read facility map using the established notation and instructions previously provided.

Process:
Regarding the process description, the brief description provided today is helpful though not sufficiently detailed. Before any operations may commence within the City of Oakland, provide a description of maximum volume of fumigant used in each retort chamber and in the remote shipping containers, concentration of fumigants in vented air, and frequency of release of fumigants to the environment.

Plume Analysis:
Regarding the release plume analysis "Comments on ALOHA 5.2.3 computer model results," the discrepancies identified were previously identified by City staff and a subsequent map with plume footprints was generated and distributed at the hearing on August 31st, 2005.

EXHIBIT B
Aspire Public Schools Notification Letter